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PP RUEHWEB

DE RUEHDG #0350/01 0701818  
ZNR UUUUU ZZH  
P 101818Z MAR 08  
FM AMEMBASSY SANTO DOMINGO  
TO RUEHC/SECSTATE WASHDC PRIORITY 0293  
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY  
RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 4795

UNCLAS SANTO DOMINGO 000350

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DEPARTMENT FOR WHA, WHA/CAR DEPIRRO AND WARD, G/TIP

E.O. 12958: N/A

TAGS: [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PHUM](#) [PREF](#) [SMIG](#) [DR](#)

SUBJECT: DOMINICAN REPUBLIC: 8TH ANNUAL TIP REPORT

REF: STATE 2731

11. Please find the following information keyed to reftel questions.

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Overview of Dominican Activities  
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PARAGRAPH A  
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-- Summary: The Dominican Republic is a country of origin for women trafficked internationally to work as prostitutes, cabaret dancers and domestic employees and is a destination country for women trafficked into prostitution and domestic servitude, as well as a significantly smaller number of men who are allegedly trafficked into the agricultural sector as forced laborers and children who are forced into domestic servitude. Women and children are trafficked internally for prostitution and sexual exploitation.

-- Estimated number of victims: Numbers of trafficking victims are inexact as no comprehensive study has been done for over a decade. The International Organization for Migration (IOM) suggests that as many as one-third of the 30,000 to 50,000 (outward estimates suggest 60,000) Dominican women thought to be abroad and working as prostitutes are trafficking victims. While there are no reliable estimates as to the number of victims trafficked into or within the Dominican Republic during the reporting period, over 50 percent of respondents in a series of 2008 NGO-sponsored surveys in Boca Chica and two urban subdivisions of Santo Domingo indicated that they "knew of cases of trafficking" within their communities. .

-- Dominican-nationals abroad: Dominican-national victims come from both urban communities and rural towns and are typically unemployed or employed in the informal sector. Victims are found to a lesser extent in low paying jobs in the formal sector (e.g., factory worker). Principal destination countries for Dominican-born victims of trafficking were in Europe, the Caribbean, and Latin America, and included Argentina, Australia, Brazil, Costa Rica, Curacao, Germany, Greece, Italy, the Netherlands, Panama, Spain, Surinam, St. Marten, Switzerland, and Turkey. Many Dominican trafficking victims travel using bona fide legal documents, including non-immigrant visas, which are often taken from them upon arrival.

-- Foreign victims and destinations: Foreign-born victims of trafficking are primarily Haitian in origin, though there have also been isolated cases of victims from South America. The majority of foreign-born victims are smuggled into the country without proper identification and are subsequently trafficked to urban areas (for sexual exploitation) or

allegedly trafficked to agricultural areas (for forced labor).

-- Internally trafficked and destinations: Internally trafficked victims are typically women or adolescents of either gender that are trafficked for sexual exploitation to urban or tourist areas. The tourist areas of Boca Chica, Puerto Plata, and Sousa are well-known destinations; principal cities such as Santo Domingo and Santiago are also known destinations.

-- Children: There were no reports of children being trafficked outside of the country. There have been allegations of Haitian children "for sale" in open markets in Dominican border communities, particularly in the city of Dajabon, but the Embassy has found no supporting evidence and does not find these allegations to be credible. However, Embassy thinks it probable, given the large Haitian Diaspora in the Dominican Republic, the extremely porous border between the two nations, and a 2002 UNICEF-IOM report suggesting cross-border trafficking, that Haitian children are smuggled and/or trafficked into the Dominican Republic as "restaveks." Embassy has interviewed a Save the Children official who was a restavek within Haiti; this official stressed that only some restaveks are forced into domestic servitude, others experience a more benign existence resembling informal adoption.

The results of police sweeps, as well as simple observation by Embassy personnel, suggests that an unknown number of children aged 12 to 17 are internally trafficked for purposes of prostitution and sexual exploitation. These children are typically trafficked to tourist areas in the north and southeast of the country, as well as major urban areas (most notably Santo Domingo and Santiago).

In April 2007, the Center for Dominican-Haitian Culture (CCDH) repeated a claim made during the last reporting period that as many as 400 Haitian children have been trafficked into the Dominican Republic to participate in "begging rings." While the Embassy cannot definitively rule out the possibility that children are trafficked into non-domestic forced labor, little evidence has surfaced within the larger NGO community to suggest that the practice occurs and government investigation into "begging rings" suggests parental abuse rather than trafficking.

-- Sources of information: Information is gathered by individual government agencies and ministries (i.e., The Secretariat for Tourism's "Tourist Police" (POLITUR), the

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Secretariat of Labor, the National Police, the Public

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Ministry (Attorney General's Office), the Foreign Ministry, the Secretariat of the Armed Forces, The Directorate of Immigration, the Secretariat for Women's Issues, and the National Council for Children and Adolescents), which generate reports that are later coordinated for limited distribution by the Foreign Ministry. In addition, the IOM and the International Labor Organization provide their own reporting, as do a wealth of NGOs of varying credibility. Embassy notes reports by the Center for Orientation and Integral Investigation (COIN) and the Movement of Dominican-Haitian Women (MUDAH) to be of particular value. Other NGO sources include the CCDH, the Jesuit Refugee Service, the Center for Assessment and Legal Investigation (CEDAIL), and the AFL-CIO affiliated Solidarity Center.

-- Documentation: In November 2007, Presidential Decree 575-07 mandated the creation of an interagency working group on trafficking (hereinafter the "575-07 Group") to include the above governmental agencies, as well as the Office of the First Lady and the IOM (in an advisory capacity). The goal of this group, which had previously existed on an ad hoc basis without the participation of the First Lady, is to establish a national anti-trafficking strategy that should include a documentation component. Meetings are scheduled regularly and the Group has already met twice since their

inception.

#### PARAGRAPH B

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-- General Overview: Despite the paucity of resources available, the trafficking situation in the country has improved over the previous 12 months, most notably in the treatment of foreign-national victims. As discussed more fully below, foreign national victims are no longer kept in immigration custody prior to their deportation, but are rather released into the custody of the IOM, which arranges for shelter and the provision of psycho-social services. Services for repatriated Dominican victims are available through COIN and other NGOs and temporary shelter for Dominican-nationals and documented foreigners is theoretically available through a newly expanded network of domestic abuse shelters. The legal framework for combating trafficking was greatly improved with the addition of a law criminalizing the transmission and/or possession of child pornography (discussed below).

-- Outbound flow: Considering U.S. Coast Guard intercepts of intending migrants, a recent survey suggesting that the vast majority of Dominicans would emigrate if possible, and continuing grinding poverty despite a degree of economic growth, Embassy's best estimate is that the numbers of victims trafficked abroad has not decreased appreciably in the past year.

-- Inbound flow: Considering the relative stabilization of the Haitian economy, an increased security environment in Haiti, and increased Dominican attention to border control, the Embassy estimates that the number of victims trafficked into the Dominican Republic has not increased in the past year and has, perhaps, decreased.

-- Traffickers: Traffickers often work in unaffiliated small groups or as individuals and, in the case of foreign-born victims, often present themselves as smugglers.

-- Targets: 1) Children - Parents in great economic need have been known to traffic their children and are a source of trafficked minors. Adolescents of both sexes who have left home (both voluntarily and involuntarily) prostitute themselves to obtain necessities (e.g., food, shelter); 2) Women - Victims are culled from the ranks of the unemployed/underemployed and those performing menial jobs in the formal sector. Victims are often initially approached by friends and/or family members who describe the "great" job opportunities waiting abroad. Victims are deceived as to their ultimate destination, work, and wage, and in the case of those possessing valid travel documents, find their documents seized upon arrival in their new locale; 3) Men - Foreign-national men who are unemployed are typically approached abroad by individuals promising work in construction or agriculture and are allegedly brought to agricultural work-sites without the functional freedom to leave (because of the language barrier, geographic isolation, and lack of proper documentation).

-- Agencies and documents: Dominican victims trafficked abroad typically possess valid travel documents, while the opposite is true for foreign-national victims trafficked to the Dominican Republic. Unscrupulous travel agencies generally defraud, as oppose to traffic, their victims (i.e., stealing funds without providing brokered visas for the promised trip). Some Dominican-national women have been trafficked abroad into sham marriages (largely in Italy), but the role of marriage brokers in this process is unclear.

#### PARAGRAPH C

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-- Government agencies: Government agencies identified in Paragraph A answers are involved in anti-trafficking efforts: the Ministry of Foreign Affairs unofficially coordinates the interagency working group, though the Public Ministry takes the lead in investigation and prosecution, as well as the functional lead on victims' services. The Secretariat for

Women's Issues also attempts to exert leadership on victims, services.

#### PARAGRAPH D

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-- Limitations on government action: Efforts to combat trafficking and aid victims in the past year have been hamstrung by an overall poor budgetary situation, combined with repeated national disasters (i.e., repeated widespread flooding) with damages and recovery costs estimated in the hundreds of millions of dollars. This dire lack of general funding complicates all criminal investigations, including investigations into trafficking, as the ability to train Dominican personnel (especially soldiers (who provide border patrol-like functions), police, and immigration officials) is greatly diminished. This lack of funding also results in significant underpayment to members of the above groups, as well as prosecutors and judges, placing all at an increased risk of being corrupted by human traffickers. Moreover, a lack of overall funding diminishes the resources that the Dominican government can dedicate to intervention with potential victims, as well as the identification and repatriation of, and provision of services to, victims.

Further complicating efforts to investigate and prosecute crime is the slow pace at which the National Police are adapting to the revision of the Dominican Criminal Procedures Code (2004). Police frequently have difficulty executing complex investigations and following basic police procedures (e.g., securing the crime scene, preserving the chain of custody, etc.).

#### PARAGRAPH E

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-- Monitoring: The Dominican government does not systematically monitor its anti-trafficking efforts. Rather, it utilizes an ad hoc approach by differing agencies. It is thought that the 575-07 Group will soon address this issue in its national plan. Currently, the GODR does not release statistics to the general public (though, theoretically, it would comply with a FOIA request). It sometimes delays release of statistics to international donor partners, but eventually complies. The government's 575-07 Group will release statistics to diplomatic missions upon request of the mission. Individual ministries will also work directly with diplomatic missions to release statistics outside the 575-07 Group process.

#### ----- Investigation and Prosecution of Traffickers -----

#### PARAGRAPHS A - D

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-- Legal framework: Any of several laws may be applied to prosecute traffickers, depending on the elements of the crime and the identity of the victims. Taken together, these laws are adequate to address the full scope of trafficking in persons, and they cover both domestic and international forms of trafficking. In 2003, the Dominican Congress passed a comprehensive Trafficking Law (Law 137-03), promulgated subsequently by the President. The definition of trafficking is based largely on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organized Crime. It covers trafficking for sexual exploitation as well as for non-sexual purposes, including for forced labor. A law against alien smuggling was already in force, but the Trafficking Law carries stricter penalties. In addition, the Code for Minors (Law 136-03), which came into effect in 2004, has penalties specifically for the sexual exploitation of children.

The Code for Minors establishes penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100 to 150 times the minimum wage. The Code for Minors provides for a penalty of between 2 and 5 years' incarceration and a fine of 3 to 5 times the minimum wage for persons found

guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking. The Trafficking Law also covers sexual exploitation, but the Code for Minors established more severe penalties for this crime.

The Trafficking Law provides penalties of 15 to 20 years' imprisonment and a fine of 175 times the minimum wage for traffickers, including traffickers of persons for labor exploitation. The law includes provisions against alien smuggling, establishing a 10- to 15-year prison sentence and a fine of 150 to 250 times the minimum wage.

The Law Against Domestic Violence (Law 24-97) includes penalties for rape, incest, sexual aggression, and other forms of domestic violence that range from one to 30 years in prison and fines ranging from 5,000 to 500,000 pesos (approximately US\$150 to US\$15,000). The penalties for committing rape are 10 to 15 years in prison (or 10 to 20 years in case of rape against a vulnerable person or under other egregious circumstances) and a fine of from 100,000 to 200,000 pesos (approximately US\$3,000 to US\$6,000).

The Law Against High Technology Crimes (Law 53-07) was passed early in the reporting period and criminalizes the electronic dissemination of child pornography from, into, or within the Dominican Republic. The production, distribution, sale, or other commercialization of pornographic images is punishable by 2 to 4 years incarceration and a fine of between 10 and 500 times the minimum wage. Acquisition and possession of pornographic images is punishable by 3 to 12 months incarceration and a fine of between 2 and 200 times the minimum wage. The law also criminalizes the electronic request for or offering of children for sexual exploitation, with possible penalties of between 3 and 10 years incarceration and fines between 10 and 500 times the minimum wage. Using electronic media to further trafficking in other circumstances is covered by other existing laws (e.g., 137-03, 136-03. etc.).

There are no civil forfeiture laws in existence.

-- Sanctions: Final judgments (convictions or acquittals) of "sex traffickers" over the reporting period and prosecutions of "labor traffickers" will be reported septel.

#### PARAGRAPH E

-- Prostitution: The law does not prohibit prostitution, although it is illegal for a third party to derive financial gain from prostitution. The operation of brothels is illegal. The Government usually did not enforce anti-prostitution laws, but there were several crackdowns of street prostitutes when minors were obviously involved.

#### PARAGRAPH F

-- Investigation/prosecution/conviction/sanction - Reporting period statistics will be reported septel.

#### PARAGRAPH G

The Foreign Ministry provides consular officials prior to their being stationed abroad with intensive training that focuses on the identification and repatriation of victims. Immigration officials, likewise, receive training on the identification of victims. The IOM partners with the government regarding training.

#### PARAGRAPH H

The government cooperates with other governments in investigation and prosecution to the extent possible. Details will be discussed septel.

#### PARAGRAPH I

The Dominican government has not yet been asked to extradite persons charged with trafficking, but would do so providing the crime was an extraditable offense under existing treaty

or some other binding international instrument. Trafficking, as such, is not an extraditable offense under the 1909 U.S.-Dominican Republic Extradition Treaty, but traffickers could be reached under charges such as rape or kidnapping.

#### PARAGRAPH J

There is no credible evidence to suggest that the government is involved in or tolerates trafficking either locally or as an national institution.

#### PARAGRAPH K

Low-level government officials are popularly assumed to be complicit in trafficking, at least in regard to in-bound victims, as low-level police and military officials have already been demonstrated to be complicit in the smuggling of both individuals and materials into the Dominican Republic.

Literally hundreds of rank-and-file immigration, customs, police, and military officials have been terminated on the mere suspicion of corruption and/or association with smugglers and traffickers. These abrupt firings purge the affected agencies of bad actors and, while the abruptness has a deleterious impact on the State's ability to prosecute, at the same time it recognizes and circumvents the shortcomings of the Dominican judicial system.

Prior to the reporting period (in June 2006), newspaper Clave Digital reported a joint investigation by military intelligence (J2) and the FBI-equivalent National Directorate for Investigations (DNI) that suggested involvement by both high-level officials ("funcionarios") and lower-level officials ("empleados publicos") in the smuggling of Chinese nationals. Government officials in this reporting period have noted that an inability to gather information within the insular Chinese community prevents effective investigation). Embassy notes this claim refers to "smuggling" not "trafficking." There were no claims of high-level collusion or complicity in trafficking during this reporting period.

Prosecutions of officials will be reported septel.

#### PARAGRAPH L

The Dominican Republic did not participate in peacekeeping operations during the reporting period.

#### PARAGRAPH M

Various academics and, at various times, international organizations have identified the Dominican Republic as a child sex tourism destination. The government suggests that a series of brothel raids before the reporting period effectively ended organized child prostitution and child sex tourism, though a "hard core" of child prostitutes remains active. Internet advertisements, bulletin boards, and blogs tend to portray the Dominican Republic more generally as a "sex tourist" destination (versus "child sex tourist") and are targeted to Western European, American, and Canadian men.

Still, these same blogs and bulletin boards occasionally note the availability of minors as sex workers. Dominican laws do not have extraterritorial effect.

Prosecution/deportation/extradition statistics will be reported septel.

#### Protection and Assistance to Victims

#### PARAGRAPH A

The government does not directly provide assistance to foreign trafficking victims, though it began, during this reporting period, to release them to the IOM, which arranges for shelter (a temporary shelter is provided by a religious order of nuns) and the provision of psycho-social services prior to the victims' deportation. While the government does

not provide temporary residency or otherwise defer deportation of foreign national victims, it permits the return of victims (facilitated by the IOM) to provide live testimony in the trials of accused traffickers.

#### PARAGRAPHS B - C

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Dominican-national and properly documented foreign trafficking victims theoretically have access to an increasingly large network of domestic violence shelters. These shelters are not specialized trafficking shelters and the government maintains no records as to what drives particular women to seek shelter. The Government has committed to building a dedicated trafficking shelter, but has not yet broken ground on a facility. In the absence of a dedicated facility, the Government refers identified Dominican-national victims to COIN for specialized services and releases undocumented foreign-nationals to the IOM for shelter and services prior to the victims, deportation.

Legislation mandates that small portions of the country's national budget be dedicated to children's, services and violence prevention (to include trafficking prevention), but these figures are not met in practice. Funding for victims, assistance is almost entirely non-governmental.

#### PARAGRAPH D

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There is no formal system of proactively identifying victims. During the reporting period, the Government developed a mechanism to release rescued foreign-national victims from immigration detention facilities into the custody of the IOM prior to their deportation. There is a parallel non-formal mechanism that directs Dominican victims to various NGOs, principally COIN. There is no formal mechanism to provide child protection/social services for child prostitutes, approximately 30 of whom were briefly detained in street sweeps by POLITUR during the reporting period. Child victims were released to shelters and/or their parents on an ad hoc basis.

#### PARAGRAPH E

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As the sex trade is legal, but not regulated, the government only screens for trafficking victims among sex workers when the circumstances make victim identification a foregone conclusion (i.e., obviously underage streetwalkers, prostitutes employed in a brothel).

#### PARAGRAPH F

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Rights of trafficking victims are respected, initial detentions are brief (as victims are being identified), and charges are not pressed. Undocumented foreign-national victims are held in immigration detention only until their transfer to the IOM can be arranged; following which they are deported with leave to return to testify.

#### PARAGRAPHS G - H

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The government encourages victims to assist in investigation and prosecution, but there is a significant societal stigma attached to having been victimized. Many victims blame themselves for failing to recognize the danger posed by a "too good to be true" overseas job offer and many families think themselves complicit as they have accepted remittances from the victim while she was trafficked overseas. Accordingly, few victims file or support criminal charges. Victims may file civil suit, but rarely do so for the same reasons that they are reluctant to assist in criminal investigations. The government is generally poorly prepared to offer witness protection in any criminal case. For services and shelters, please refer to answers in sections D and F, immediately above.

#### PARAGRAPHS I - J

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The issue of specialized training of government employees has been discussed above and, as detailed more fully above, the government tends to rely on non-governmental organizations to provide services to repatriated victims. IOM officials categorize the relationship with IOM field offices and Dominican consulates abroad as "very close" and Dominican consular officials often rely on the IOM to actually arrange for the shelter and ultimate repatriation of Dominicans trafficked abroad

PARAGRAPH K  
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The government tends to rely on the NGO and international community for the complete range of services to trafficked individuals from repatriation through the provision of shelter and the arrangement of and provision of psycho-social services. These organizations receive little to no funding from the government and include organizations previously mentioned.

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Prevention  
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PARAGRAPH A  
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The government acknowledges trafficking as a problem, but directs much energy to the issue of illegal migration and human smuggling, particularly of Haitians into the Dominican Republic.

PARAGRAPH B  
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During this reporting period the government, together with the Ricky Martin Foundation and the Interamerican Development Bank, publicized the existence of an anti-trafficking hotline located within the Attorney General's Office. The Spanish-language hotline, designed to both provide prevention information and serve as a "crime-stoppers" tip-gathering mechanism, received a significant number of calls over its low baseline level, though few of the additional calls were substantive. (The vast majority were "crank" calls asking to speak with Ricky Martin.)

PARAGRAPH C  
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The Dominican government works collaboratively with a variety of international and non-governmental organizations on the trafficking issue, particularly with the IOM and COIN, with whom they have warm relations.

PARAGRAPH D  
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The government monitors emigration patterns at airports, seaports, and land border-crossings for evidence of trafficking and plans to distribute "warning" brochures to members of high-risk groups (e.g., women aged 18 to 25) traveling to known destination countries. Immigration officials receive training in victim identification, but use this training principally for outbound travelers. Members of the Dominican military and the quasi-military border force CESFRONT who patrol the border have not received training in victim identification. National Police officers receive "human rights" training that does not specifically address the issue of victim identification. Consular officials posted abroad receive extensive training on victim identification and assistance.

PARAGRAPH E  
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The aforementioned 575-07 group provides a mechanism for coordination and communication between agencies and organizations; it is a working group for high-level policy coordination. There is no multi-agency (law enforcement) taskforce. There is no public corruption task force; issues of corruption are handled by individual ministries and



agencies. While there is a permanent presidential commission on corruption, it is not well known and is under-utilized. A "Department for the Prevention (and Prosecution) of Corruption" sits within the Attorney General's Office and is chaired by an Assistant Attorney General.

PARAGRAPH F

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The government is currently drafting a national plan of action, with governmental and other organizations as detailed in the earlier description of the 575-07 group. Embassy understands that COIN will also be consulted in the creation of a national strategy.

PARAGRAPH G

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The government has continued a preexisting public service campaign (highlighting national pride and penalties for perpetrators) at ports of entry to discourage/prevent foreign travelers from seeking to perform sex acts with minors in the Dominican Republic, but has otherwise taken no measure to reduce commercial sex acts.

FANNIN